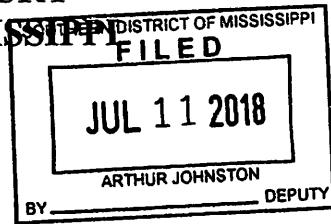


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &  
DANIEL ABEL, D/B/A/ TROUT POINT  
LODGE LTD OF NOVA SCOTIA & IN  
THEIR INDIVIDUAL CAPACITIES  
PROGRESS MEDIA GROUP LIMITED,  
MARILYN SMULDERS, & ASHOKA

**MEMORANDUM IN SUPPORT OF RULE 28(b)(1)(D) MOTION TO  
COMMISSION PATSY AINSWORTH REPORTING, INC. TO  
TELEPHONICALLY ADMINISTER OATH AND TAKE DEFENDANT'S  
ORAL TESTIMONY**

Plaintiff Douglas Handshoe respectfully submits this memorandum in support of his Motion under Rule 28(b)(1)(D), for the Court to commission Patsy Ainsworth Reporting, Inc. to telephonically administer the oath and to record the deposition of Charles Leary.

On June 22, 2018, the Court partially granted Plaintiff's Motion to Quash (*See* ECF 254) holding that, "The deposition must take place near Leary's residence, or in the alternative, by "telephone or other remote means," *see* Fed. R. Civ. P. 30(b)(4). The parties are expected to agree to the date and means of conducting Leary's deposition without Court intervention."

Plaintiff, despite his attempts to gain Mr. Leary's cooperation in setting a date and working out the logistics of conducting the deposition, has thus far been unable to secure Mr. Leary's cooperation with those efforts. In a possible explanation of what is motivating his uncooperative behavior, Leary via his Motion for an order "Directed to Douglas Handshoe Regarding Service Immunity", reveals the reason he has been uncooperative, stonewalling the Plaintiff as he is an absconding Judgment Debtor that is afraid he will be served with a Writ of Execution by the Plaintiff.<sup>1</sup>

As shown by Exhibit 2, Plaintiff tried his best, before Mr. Leary filed his Motion for an Order Regarding Service Immunity, to assuage Mr. Leary's fears about Plaintiff discovering his exact location by suggesting the Oath be administered telephonically and that he join Plaintiff in moving the Court under Rule 28(b)(1)(D) to appoint Patsy Ainsworth Reporting, Inc. to telephonically administer the oath. Mr. Leary has informed Plaintiff that he refuses to join this Motion.

Attached to the Motion accompanying this memorandum as Exhibits 1 and 2 are the email chains between Plaintiff and Defendant which demonstrates Mr. Leary's reticence to cooperate in scheduling his deposition as he described in his

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<sup>1</sup> See ECF 261, Page 2 of 4, "Thus not only would an attempt at service cause Leary to resist appearing for a deposition, the underlying process Handshoe appears to be attempting to serve is nothing but an abuse of process and process for which Stone County Circuit Court has no jurisdiction to issue..."

Motion For An Order Directed to Douglas Handshoe Regarding Service Immunity.

The Court, in appointing Patsy Ainsworth Reporting, Inc. to telephonically administer the oath and record the deposition, will help the parties to facilitate compliance with its order dated June 22, 2018 and assuage Mr. Leary's fears of being served with a Writ of Execution at his deposition thus removing that self-imposed obstacle as the reason he stonewalls compliance with this Court's orders.

Plaintiff prays the Court finds this Motion to have merit and it commissions Patsy Ainsworth Reporting, Inc., Post Office Box 1102, Hattiesburg, MS 39403 to telephonically administer the oath and record Mr. Leary's deposition at a date to be set by the litigants.

Respectfully submitted this 11<sup>th</sup> day of July, 2018,



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Plaintiff  
Douglas Handshoe  
Post Office Box 788  
110 Hall Street  
Wiggins, MS 39577  
(601) 928-5380  
earning04@gmail.com

**CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on July 11, 2018 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on July 11, 2018, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada with a courtesy copy to foodvacation@gmail.com.

Respectfully submitted this 11<sup>th</sup> day of July, 2018,

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